

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SETH EISENBERGER,

Plaintiff,

v.

CHAIM FRIEDMAN, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/27/2022

22 CV 3025 (NSR)
ORDER

NELSON S. ROMÁN, United States District Judge:

On April 12, 2022, Seth Eisenberger (“Plaintiff”) filed suit against Chaim Friedman, Libe Friedman, Chana Friedman (together, the “Individual Defendants”), Lawrence Plaza Associates LLC, Brewer Estates LLC, Brewer Holdings LLC, Willow Tree LLC, and 34 Second Avenue LLC. (ECF No. 1.) The Individual Defendants have each filed what appears to be answers to the complaint (ECF Nos. 30, 31 & 34), and Chaim Friedman has filed a “Motion to Vacate” (ECF No. 32.) The Court will address the various requests within these documents below.

First, in the Motion to Vacate Chaim requests the Court “[a]llow him to represent [him]self, as well as [his] family, codefendants etc, in this action pro se.” (ECF No. 32.) This request is denied, as it is well-settled that *pro se* litigants cannot represent others. *See, e.g., Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998) (“[B]ecause *pro se* means to appear for one’s self, a person may not appear on another person’s behalf[.]”). Therefore, each Individual Defendant must represent his or herself, or obtain counsel. Libe Friedman and Chana Friedman are granted an extension to answer or otherwise respond to the Complaint, and are directed to do so by July 11, 2022.

Second, Chaim requests the Court vacate a judgment issued in a case currently pending in Rockland County Supreme Court, or in the alternative, dismiss this matter. As the state court

matter is not before this Court and therefore this Court does not have jurisdiction over that action, the Court denies Chaim's request to vacate the judgment. The Court will construe his request for a dismissal of this matter as a request to file a motion to dismiss the Complaint. Chaim's request for leave to file the proposed motion is granted with the following briefing schedule: Chaim's moving papers shall be served (not filed) on or before July 28, 2022; Plaintiff's opposition papers shall be served (not filed) on or before August 29, 2022; Chaim's reply papers shall be served on or before September 28, 2022. All motion documents shall be filed on the reply date, September 28, 2022. The parties are directed to mail two courtesy copies of their motion documents to Chambers as they are served.

Dated: June 27, 2022
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read 'Nelson S. Román', is written over a light blue horizontal line.

NELSON S. ROMÁN
United States District Judge